



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 4/26/2021

ORM Number: 2016-00264-MMJ – Willmar High School and Civic Center AJD

Associated JDs: NA

Review Area Location¹: State/Territory: MN City: Willmar County/Parish/Borough: Kandiyohi Co.

Center Coordinates of Review Area: Latitude 45.148844 Longitude -95.006633

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: NA
- ☐ There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):⁴ The review area for this AJD is limited to the twelve excluded waters described below and shown on the enclosed figures labeled as 2016-00264-MMJ, AJD Figures 1-2.

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetlands 2-8	1.43 acres	(b)(1) Non-adjacent wetland.	Wetlands 2-8 formed recently on the landscape, in historic upland areas, after the construction of the Willmar High School in 1993. Grading activities and the construction of dissecting roadways on the project site altered hydrology in this area, resulting in the creation of Wetlands 2-8. Some of these wetland features share a hydrologic connection with Wetland 1, but Wetland 1 is a non-jurisdictional feature as described below. Wetlands 2-8 are depressional wetlands that are physically separated from potential downstream (a)(1)-(a)(3) waters. They are not inundated by flooding by an (a)(1)-(a)(3) water in a typical year, and they are not physically separated from an (a)(1)-(a)(3) water by an artificial dike, barrier, or similar artificial structure that would allow for a direct hydrologic surface connection between the waterbodies and any potential downstream (a)(1)-(a)(3) waters, in a typical year. Wetlands 2-8 are hydrologically isolated and physically remote and do not qualify as an (a)(4) water. This was confirmed by reviewing the delineation that was completed for the project corridor, reviewing Lidar imagery, the NHD, historic and current aerial imagery, the NWI, and Kandiyohi County soil mapping for the project site.
Wetland 1	2.89 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Wetland 1 is a stormwater management pond that was constructed in upland as part of the Willmar High School development in 1993. This was confirmed by reviewing the delineation that was completed for the project site, reviewing Lidar imagery, the NHD, historic and current aerial imagery (1938-2000), the NWI, and Kandiyohi County soil mapping for the project site. Wetland 1 is a non-jurisdictional excluded (b)(10) water as described in the Navigable Waters Protection Rule.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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☒ Information submitted by, or on behalf of, the applicant/consultant: [Pinnacle Engineering wetland delineation dated 02/03/21](#).

This information [is](#) sufficient for purposes of this AJD.

Rationale: [NA](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

☒ Photographs: [Aerial: Historic: 1937, 1938, 1991, & 2017 and Google Earth imagery: 1991-2020](#).

☐ Corps site visit(s) conducted on: [Date\(s\)](#).

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B](#).

☒ USDA NRCS Soil Survey: [Anoka County](#)

☒ USFWS NWI maps: [MnDNR](#)

☒ USGS topographic maps: [1:24k Anoka](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	NA.

B. Typical year assessment(s): [NA](#)

C. Additional comments to support AJD: Wetlands 1-8, described above and shown on the enclosed figures, are excluded waters under the Navigable Waters Protection Rule; they are not jurisdictional waters of the U.S.